

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**WILFRED HOUSTON BLAIR,  
#37549-083,**

**Petitioner,**

**v.**

**ACTION NO. 2:22cv278**

**D. LEU, Warden**

**Respondent.**

**FINAL ORDER**

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241 filed by pro se Petitioner Wilfred Houston Blair (“Blair” or “Petitioner”). Blair’s petition challenges the Bureau of Prisons’ (“BOP”) decision to remove him from a residential drug treatment program available to inmates, completion of which confers eligibility for a discretionary sentence reduction.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. Because the BOP’s decision is not subject to judicial review under the Administrative Procedures Act and Blair’s claims fail to plausibly allege a constitutional or legal defect in the BOP’s application of the relevant statutes and regulations, the Report and Recommendation of the Magistrate Judge filed May 1, 2023 recommends Respondent’s Motion to Dismiss be granted and Blair’s petition be denied and dismissed with prejudice. (ECF No. 15). The Report and Recommendation also advised parties of their right to object and the time limit for doing so. The court has received no objections, and the time for filing objections has now expired.

Accordingly, the court hereby adopts and approves the findings and recommendations set forth in the Report of the United States Magistrate Judge filed May 1, 2023, and it is, therefore, ORDERED that Respondent's Motion to Dismiss (ECF No. 9) is GRANTED, Blair's petition is DENIED and DISMISSED with prejudice, and judgment shall be entered in favor of the Respondent.

Finding that the basis for dismissal of Petitioner's § 2241 petition is not debatable, and alternatively finding that Petitioner has not made a "substantial showing of the denial of a constitutional right," a certificate of appealability is **DENIED**. 28 U.S.C. § 2253(c); *see* Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a); *Miller-El v. Cockrell*, 537 U.S. 322, 335–38 (2003); *Slack v. McDaniel*, 529 U.S. 473, 483–85 (2000).

Petitioner is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. Rule App. Proc. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). **If Petitioner intends to seek a certificate of appealability from the Fourth Circuit, he must do so within sixty (60) days from the date of this Order. Petitioner may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.**

The Clerk shall mail a copy of this Final Order to Petitioner and provide an electronic copy of the Final Order to counsel of record for Respondent.

Norfolk, Virginia  
June 5, 2023

  
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ELIZABETH W. HANES  
UNITED STATES DISTRICT JUDGE